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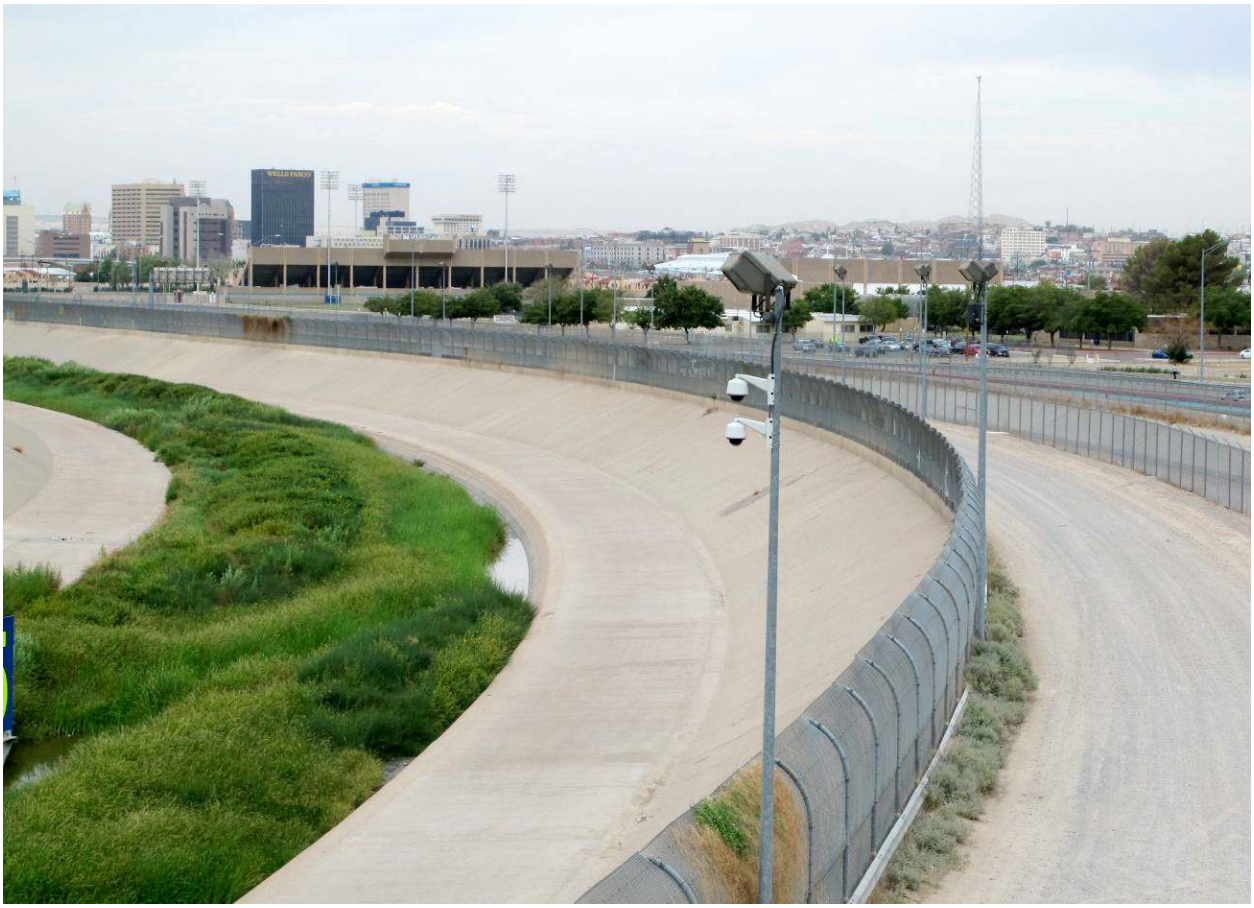
# An Uneasy Coexistence: security and migration along the El Paso-Ciudad Juárez border

*Posted December 20, 2011*

In September 2011, three WOLA staff members — Senior Associate Adam Isacson, Senior Fellow George Withers, and Program Assistant Joe Bateman — paid a five-day visit to El Paso, Texas and Ciudad Juárez, Mexico. Isacson returned to El Paso for three days in October.

We found two cities that, while separated only by a narrow river, are rapidly growing further apart. Ciudad Juárez is undergoing wrenching change as dysfunctional state institutions confront powerful, hyper-violent criminal groups. El Paso has witnessed an unprecedented buildup of the U.S. government's security and law enforcement apparatus.



*The El Paso skyline, viewed from the border. The grassy trench in the foreground is the Rio Grande.*

The results have been mixed. Violence has not spilled over into El Paso, in part because the drug traffickers do not want it to do so. The flow of migrants from Mexico into the El Paso region has nearly ground to a halt due to greatly increased U.S. security-force presence, the poor U.S.

economy, and the danger that organized-crime groups pose for migrants on the Mexican side of the border. The flow of drugs, meanwhile, continues at or near the same level as always.

What we saw in El Paso raised concerns about U.S. policy. Present levels of budgets and personnel may not be sustainable. Nor may they be desirable until a series of reforms are implemented. These include human rights training for law enforcement, improved intelligence coordination, reduced military involvement, stronger accountability mechanisms, increased anticorruption measures, and greater attention to ports of entry. They also include a much sharper distinction between violent threats like organized crime or terrorism, and non-violent social problems like unregulated migration.

Any reforms, however, need to be guided by a coherent policy, and for the moment the U.S. government still lacks a comprehensive border security strategy. In El Paso, WOLA found that this lack of clarity amid a security buildup has hit the migrant population especially hard.

WOLA will present a more thorough policy critique, with more specific recommendations, in a larger report, due in March 2012, based on visits to the El Paso-Juárez, San Diego-Tijuana, and Tucson-Nogales border regions. What follows is a narrative of our visits to the first of those three zones.

**Violence that doesn't spill over**

"El Paso welcomes you to the safest city in America," a recorded voice tells travelers arriving at the city's airport. The voice is right.

With a rate of 1.9 homicides per 100,000 residents in 2010, the city at Texas' western extremity ranked number one that year, and again in 2011, as the safest of all U.S. cities with a population over 500,000, according to a much-cited study by CQ Press. By comparison, 2010's murder rate was 6.5 in New York and 22 in Washington. In a mid-2010 poll, only 9 percent of El Paso residents surveyed answered "no" to the question, "Do you feel safe as you walk and drive in your neighborhood during your regular daily activities?"

The situation is far different in Ciudad Juárez, the Mexican border city visible from almost any point in downtown El Paso. Just across the Rio Grande, where an intense turf battle between gangs controlled by the Juárez and Sinaloa criminal syndicates continues to rage, the 2010 homicide rate was well over 200 per 100,000 residents. More than 9,900 people have been murdered in Juárez since 2008. The world's most violent city and the United States' safest city are uneasily coexisting.

El Paso's civic leaders complain bitterly about outside politicians portraying their city as a war zone. Twice during his 2010 reelection campaign, Texas Governor Rick Perry claimed that car bombs had been detonated in El Paso. The incident in question actually happened in Juárez. Throughout 2011, Republican committee chairmen in the U.S. House of Representatives have called hearings to sound the alarm about spillover violence in El Paso-Juárez and elsewhere. "There were 23 reports of attempted extortion in El Paso between August 2009 and September 2010," testified Texas Public Security Department Director Steven McCraw at one such hearing. "It is also known that bullets from gun fights in Mexico have also stuck [*sic*.] colleges /

universities in El Paso and Brownsville, Texas," testified a sheriff from another Texas county. "The City Hall in El Paso was also st[r]uck."

Those who claim violence is spilling over "ought to stop," El Paso's congressman, Democrat Silvestre Reyes, told a local reporter. "They don't live in our border communities. They certainly don't represent us and they ought to stay the hell out if they're going to misrepresent what's going on along the border." El Paso saw more homicides in 2011 than 2010 — 14 as of July — but city Police Chief Greg Allen told *USA Today* that "none of the killings has been linked to cartel violence, illegal immigration or any other border issue."

Nonetheless, authorities acknowledge some recent episodes of cross-border violence. In June 2011, an El Paso court translator was lured to Juárez by a female acquaintance, where he was kidnapped and murdered. In May 2010, a former cartel member who became an informant for the U.S. Immigration and Customs Enforcement (ICE) agency was shot in front of his house in El Paso. Those arrested for the crime were U.S. citizens. In 2009, a cartel member was kidnapped in El Paso and murdered in Juárez. Three Mexican citizens were arrested and sentenced in U.S. federal court. Except for these cases, though, the violence in Juárez has remained almost entirely on the Mexican side of the border.

**Drug Trafficking**

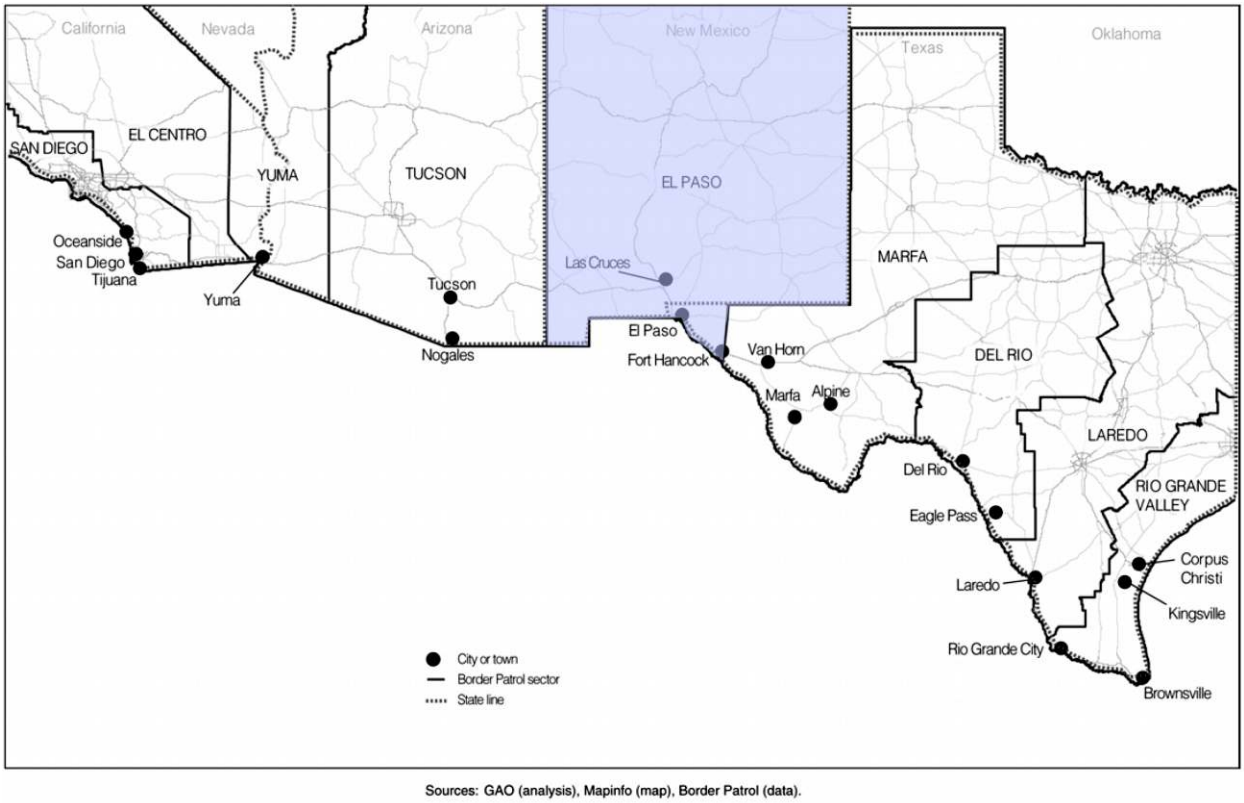
While violent crime has not "spilled over," drug trafficking through El Paso is common. Each year, traffickers take advantage of the city's access to the United States' interstate highway system to move tens of millions of dollars' worth of marijuana, cocaine, heroin and an increasing amount of methamphetamine.

Most drugs, federal and county officials interviewed by WOLA agreed, aren't transported through the wilderness. Instead, they pass right under border guards' noses, smuggled in some of the tens of thousands of cars, trucks and trains that pass daily through official ports of entry. These are three bridges between El Paso and Juárez, plus six other road crossings in the U.S. Border Patrol's El Paso sector, which includes all of New Mexico and some of west Texas.

Some vehicles' drivers are working directly for organized crime, their crossings coordinated by cartel spotters monitoring conditions at the ports of entry. Some, though, are law-abiding citizens. WOLA researchers heard of several cases of "commuters" who hold special trusted-visitor visas, among them Mexican students at the University of Texas at El Paso, whose regularity of travel gained the notice of trafficking organizations. In some cases, drugs are placed in trunks of cars without the drivers' knowledge. In others, commuters are approached by cartels and threatened if they do not agree to smuggle shipments. Because the victims are afraid to go to authorities, we do not have a sense of how common this practice is. Drug shipments end up being aggregated at "stash houses" in El Paso and its environs, from where traffickers distribute the product throughout the United States.

A smaller but still important amount of drugs cross the border in the vast spaces of dry scrubland and desert between the El Paso sector's ports of entry. To the east of El Paso, heading toward the sparsely populated Big Bend region, are the counties of Hudspeth, Presidio and Brewster, which local analysts WOLA interviewed called "a drug trafficking stronghold" and "an active corridor"

for traffickers. Experts and activists told us that drug organizations were forcing would-be migrants to carry drug shipments across the border in this region. The extent of this practice is impossible to determine, though, and one law enforcement official was skeptical that drug organizations would entrust an unknown migrant with thousands of dollars' worth of product.




*The El Paso Sector (source: U.S. Government Accountability Office).*

To the west is the forbidding desert of southwest New Mexico, where since 2010 U.S. authorities have detected an increase in a new way of carrying drug shipments: short over-the-border flights in "ultralight" aircraft, which are basically hang gliders with an engine. U.S. military officials told WOLA that a 2010 effort to monitor ultralight smugglers detected 38 of them in southwest New Mexico in a 3-month period.

Unlike Arizona and California, drug-smuggling tunnels are very rare in El Paso, largely because of the difficulty of tunneling under the Rio Grande, which in the city limits runs through a concrete streambed. ICE agents nonetheless discovered a 130-foot tunnel, running two feet below the river, in June 2010.

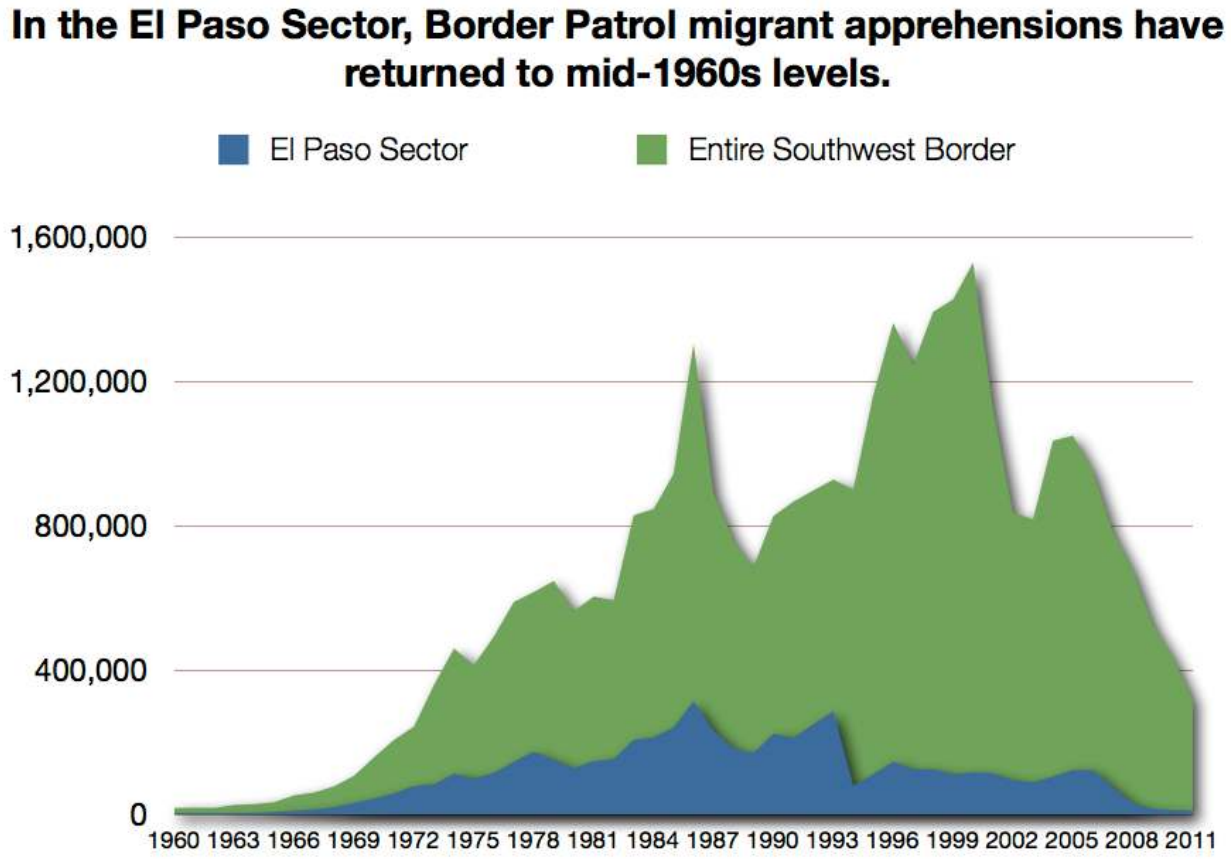
The ports of entry are also used heavily for southbound smuggling from the United States into Mexico. Of the estimated $18 billion to $39 billion that drug trafficking organizations launder each year, an important portion gets brought into Mexico in vehicles, as bulk cash. Meanwhile, loose reporting and minimal background-check requirements at Texas gun shops, and especially at gun shows, have made El Paso an important corridor for smuggling assault weapons and other firearms to Mexican criminal organizations. Still, U.S. law enforcement's southbound

inspections are sporadic. When they do occur, El Paso officials and businesses complain about the resulting traffic jams snarling the city's downtown.

While estimates of its extent don't exist, the Juárez-El Paso drug trade is robust. But so far at least, it has not been violent in El Paso. Rep. Reyes, a former Border Patrol sector chief, told the *El Paso Times* that this was the product of deliberate restraint: "Mexican drug cartels know better than to let violence spill over into U.S. border cities because they do not want to draw the ire of the federal government." El Paso County Sheriff Richard Wiles agreed. At an October 2011 gathering at UTEP, he recalled that after the September 11, 2011 attacks, closing all ports of entry for several days "cost the cartels millions of dollars." Wiles explained that the criminal groups do not want to create any situation in El Paso that might provoke a renewed closure.

**A sharp drop in migration**

Though cross-border drug trafficking has not changed appreciably, El Paso has seen an extremely sharp drop in cross-border migration. While the decline in attempted border crossings is a national trend, it is especially notable in the El Paso sector.




*Source: U.S. Border Patrol.*

The number of people who cross successfully into the United States is obviously unknowable. But the number who are apprehended by the U.S. Border Patrol is a fair indicator of migration trends. In 2006, 122,256 undocumented people were apprehended in the El Paso sector. By 2011 this number had fallen by 91 percent, to 10,345.

Staff at a Ciudad Juárez shelter for deported migrants told WOLA that the majority of deportees in the area are Mexican, though a significant number are of Central American origin. Border Patrol officials said that crossings are most frequently attempted in zones nearer to the El Paso-Juárez city limits. On the Juárez side, "coyotes" are known to maintain several safe houses for migrants who pay them thousands of dollars for help crossing the border. These smugglers don't work for the Juárez or Sinaloa criminal organizations, but they reportedly must pay them extortion money. Still, they have fewer customers: the number of would-be migrants in the El Paso-Juárez area had fallen to levels not seen in thirty-five years.

There are several reasons for this drop, and WOLA heard conflicting views about how much weight to give to each. The economic situation in the United States is an important factor: word has gotten out in Mexico that there are far fewer jobs to be had to the north. At the same time, the argument that more Mexicans are staying at home because of Mexico's improved economic performance clashes with recent reports from the UN Economic Commission for Latin America and the Caribbean, as well as Mexico's own National Social Development Council, both of which found the number of Mexicans living in poverty increasing, by as much as 3.2 million between 2008 to 2010. More telling is the alarming security situation on the Mexico side of the country's northern border — particularly Juárez — which has dissuaded migrants, who are especially vulnerable to kidnapping, exploitation and abuse at the hands of organized crime groups. This vulnerability is multiplied if the migrants are citizens of third (usually Central American) countries, already in Mexico as undocumented migrants.

**The U.S. security buildup**

Another key reason for the drop in migration is a change in policy: an unprecedented security buildup on the U.S. side of the border. Among many other measures, the U.S. Border Patrol has increased its manpower fivefold since 1993 and since 2007, the federal government has built hundreds of miles of border fencing and deployed the National Guard to the border twice.

The buildup was partly a response to U.S. concerns about terrorism and spillover violence, and partly a reflection of rising anti-immigrant sentiment. Members of Congress from both parties regularly call for, and fund, ever stricter border security measures, and Republicans frequently criticize the Obama administration for not doing enough. "You know, they said we needed to triple the Border Patrol. Or now they're going to say we need to quadruple the Border Patrol," the President joked during a May 2011 visit to El Paso. "Or they'll want a higher fence. Maybe they'll need a moat. Maybe they want alligators in the moat. They'll never be satisfied. And I understand that. That's politics."

The prehistory of tougher border security measures began in El Paso in 1993, where then-Border Patrol section chief Silvestre Reyes launched Operation Blockade, deploying highly visible agents along the border across the city in the first significant effort to clamp down on unregulated border crossings. The deployment, later renamed Operation "Hold the Line," concentrated Border Patrol resources in the El Paso sector as a show of force to deter border crossers. The get-tough strategy caused crossings to drop sharply: Border Patrol apprehensions fell from 286,000 in 1993 to 80,000 in 1994.


In El Paso, which maintains close economic, cultural and family ties with Juárez, reactions to the increased obstacles to border crossings were mixed. Border Patrol officials noted, however, that the community was pleased with one result: fewer poor, transient individuals in El Paso meant increased safety and a sharp drop in petty thefts.

After the September 11, 2001 attacks, border security came to be viewed like never before as a national security issue. As elsewhere along the border, the following ten years in El Paso saw a heretofore unimaginable increase in the federal, state and local security presence. Changes included the following.

*Fencing*

Before 2007, El Paso and Ciudad Juárez were separated mainly by low steel "landing mat" and barbed-wire fencing, if anything. The Secure Fence Act of 2006 funded the construction of 14-foot-high concrete and steel fencing that, by the time work finished in 2010, covered almost the entire length of the border between Juárez and El Paso county. The fence is lined with cameras, stadium-style lighting, and seismic and other sensors.

Still, it is not impenetrable. Border Patrol officials told WOLA that they regularly find ladders leaned up against it. More than anything, they said, "the fence buys time" by slowing down migrants and allowing cameras to identify individuals. The fence stops at the most rugged stretches of terrain, and its eastern extremity ends at the El Paso county line. Old fencing, or just

the Rio Grande, remains in place in the nearly unpopulated remainder of the El Paso sector. There are no plans to extend any further the new fencing, whose construction has cost about US $1 million per mile for vehicle fencing, and US$3.9 million per mile for less penetrable pedestrian fencing. "Texas Department of Public Security concludes that a fence from Brownsville to El Paso would simply be too expensive to build and keep under surveillance," reads a 2011 report by two retired U.S. generals commissioned by the state's agriculture department.

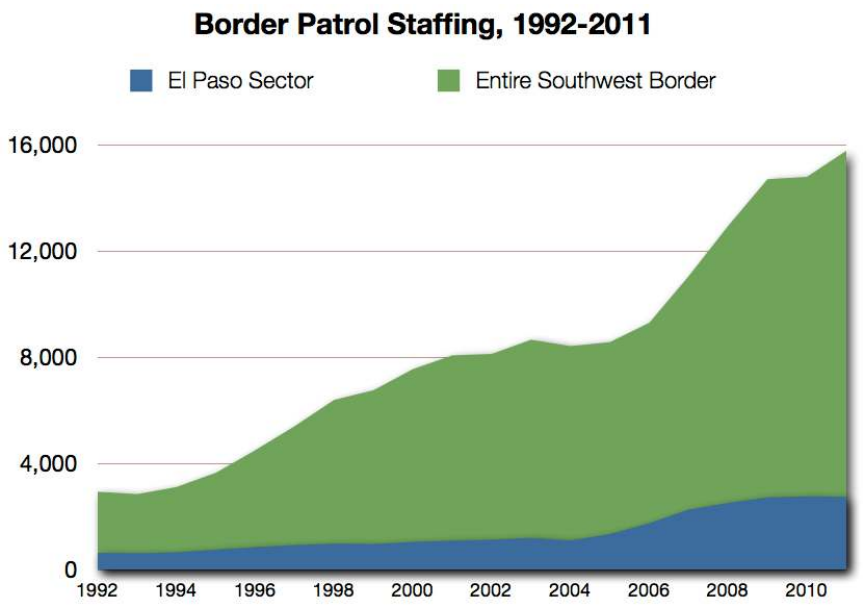
*Civilian federal law enforcement*

- **Border Patrol.** The Department of Homeland Security (DHS) is the lead federal agency for border security, through Customs and Border Protection (CBP). The CBP agency responsible for security in the vast spaces between official ports of entry is the Border Patrol, whose mission includes counterterrorism, counterdrugs, migrant interdiction and any other violations of federal law within 100 miles of the border.

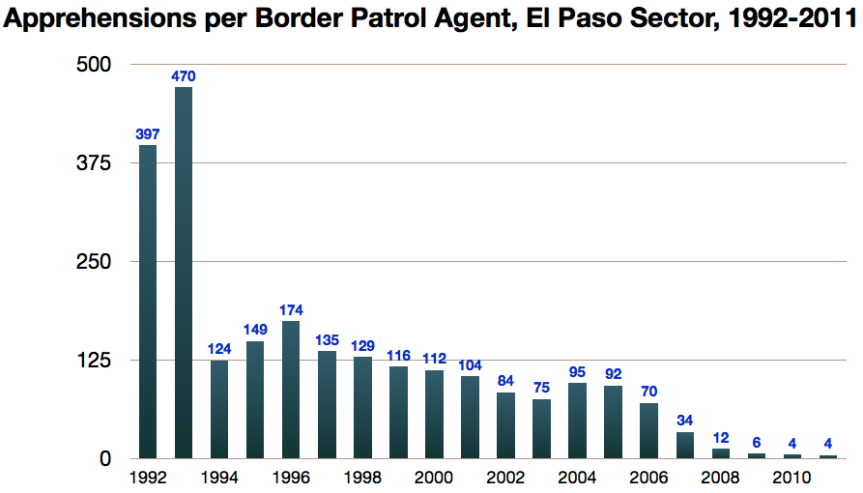
  When Operation Blockade/Hold the Line began in 1993, there were 3,444 Border Patrol agents stationed along the entire U.S.-Mexico border, 608 of them in the El Paso sector. By 2011 there were 18,506 Border Patrol agents along the border, 2,738 of them in the El Paso sector alone. Of the nine Border Patrol sectors along the U.S.-Mexico border, El Paso has the

second-largest personnel strength, though it is now seventh in apprehensions.

- **CBP Office of Air and Marine.** The El Paso airport hosts the CBP El Paso Air Branch, which is home to part of CBP's fleet of over 290 aircraft nationwide. The Air Branch includes a branch of CBP's National Air Training Center, which trains pilots, mechanics and related personnel.




El Paso does not host any of the six unmanned aerial vehicles (UAVs or drones) that CBP stations along the border to perform surveillance. Three Predator-B UAVs are at Libby Airfield in Sierra Vista, Arizona while Naval Air Station Corpus Christi, in east Texas, hosts two Predator-Bs and a Guardian, a maritime variant of the Predator-B. "The way we fly them on any given day there could be three or more [UAV] aircraft in Texas," retired Air Force Gen. Michael Kostelnik, who heads CBP Air and Marine, told a House committee in July. "And they're routinely now flying nightly not only in the Rio Grande Valley but up through Laredo and up to El Paso." In 2010, it cost DHS US$3,234 per hour to fly each of its UAVs, according to a September 2011 U.S. Government Accountability Office report.




- **CBP Office of Field Operations (OFO).** The El Paso sector's nine official ports of entry are staffed — most of those WOLA interviewed said "understaffed" — by OFO personnel, who are tasked with monitoring all vehicle and pedestrian traffic while keeping border wait times to a minimum.

The image of agents sitting in booths at a port of entry is less "sexy," to use one local academic expert's term, than that of Border Patrol agents in pickup trucks (or on horseback) chasing migrants. As a result, the OFO is less funded and is more tightly subject to oversight than is the Border Patrol. El Paso-based experts whom WOLA interviewed coincided in recommending a robust increase in the OFO budget, since most drugs pass through the ports of entry, and because the agency's inability to keep up with its workload means very long wait times to enter the United States from Juárez. Staff for Rep. Reyes said that according to their investigations, it would cost US$5 billion per year to modernize, and to staff fully, the ports of entry. The OFO's current budget is US$3.6 billion, about the same as Border Patrol.

El Paso meanwhile hosts a profusion of civilian offices, agencies, teams and facilities whose intent is to improve the collection, analysis, coordination and inter-agency sharing of intelligence about border security. These agencies, many of which appear to have closely overlapping responsibilities, are housed principally within the Departments of Homeland Security and Justice, and many of them were created within the past decade.

- The oldest and most prominent of these agencies is the **El Paso Intelligence Center (EPIC)**, a DEA-managed facility on the grounds of Fort Bliss, the sprawling army base that extends for dozens of miles north and east of the city. EPIC includes liaison officers from 21 federal, state and local law enforcement agencies, including Defense Department agencies, who share intelligence with each other. The focus is "on supporting law enforcement efforts in the Western Hemisphere with a significant emphasis on the Southwest Border," according to EPIC's minimalist website. "As of August 2009," reads a rather critical 2010 report from the Justice Department's Inspector-General, "EPIC had 343 investigative, analytic, and support staff on site. One hundred and sixty were from the Department [of Justice], 81 were from other federal agencies, 6 were from state and local agencies, and 96 were contractors."

  While drug interdiction is a main mission, EPIC also gathers information about potential terrorist, organized crime, human trafficking or similar law-enforcement threats. These, CBP officials told us, generally do not include interdiction of would-be migrants to the United States, though EPIC would share any information it happened to gather about such activity. Instead, much EPIC resources go to a "Gatekeeper Project" that gathers intelligence about trafficking organizations. A new Border Intelligence Fusion Section (BIFS) at EPIC serves as a clearinghouse of information, increasing intelligence-sharing with the Defense Department and the broader U.S. intelligence community "to create a common intelligence picture," as a DHS official's recent congressional testimony described it. EPIC also hosts a "Rail Fusion Unit" to provide intelligence about railroad traffic crossing the border.
- **Border Enforcement Security Task Force (BEST).** Another large DHS agency, Immigration and Customs Enforcement (ICE), leads these investigative teams, which include personnel from CBP, Drug Enforcement Administration (DEA), Alcohol, Tobacco, Firearms and Explosives (ATF), Federal Bureau of Investigation (FBI), U.S. Coast Guard (USCG), U.S. Attorney's offices, and state and local law enforcement bodies. An ICE "fact sheet" explains that BEST teams pool information and coordinate activities between U.S. and some

Mexican authorities "as a comprehensive approach to identifying, disrupting and dismantling criminal organizations posing significant threats to border security." BEST teams focus less on migrants, unless they are in the custody of human traffickers.

El Paso hosts one of twenty-one BEST teams based in the United States (a twenty-second is in Mexico City). The team works closely with Mexico's Public Security Secretariat (SSP), and is split into three sub-teams. "The El Paso BEST," a 2010 testimony from ICE Assistant Secretary John Morton explains,

> "is working collaboratively with Mexico's Tactical-Operative Intelligence Unit (UNITO) Juárez taskforce to address four primary threats in the El Paso-Juárez corridor: 1) narcotics smuggling; 2) weapons violations; 3) money laundering; and 4) human smuggling/trafficking. Similarly, the El Paso BEST has been divided into three teams. Our Operations team conducts investigations of criminal violations related to weapons smuggling, bulk cask smuggling, transnational gangs, and narcotics smuggling. The Human Smuggling/Trafficking team conducts long-term investigations involving criminal organizations that are smuggling or trafficking undocumented aliens. Finally, the Disrupt team addresses short-term or lower-level violent crimes."

- **ICE Homeland Security Investigations (HSI).** The lead agency for federal investigations of cross-border tunnels, HSI has five offices along the U.S.-Mexico border. One is in El Paso.
- **ICE Office of Investigations and Field Intelligence Groups (FIG).** El Paso hosts one of the ICE investigative agency's 26 field offices in the United States. It includes a FIG for intelligence analysis, described by a recent Congressional Research Service (CRS) report as "consisting of an intelligence director or advisor and a staff of intelligence and operational personnel." The groups "identify and analyze criminal trends, threats, methods and systemic vulnerabilities," and "play a critical role in building actionable intelligence" against organized crime groups.
- **ICE Border Violence Intelligence Cell (BVIC).** Located at the EPIC, the BVIC was founded in January 2008. As its name indicates, it gathers and analyzes intelligence on border violence and weapons smuggling along the U.S.-Mexico border. "At the BVIC," CRS reports, "all-source intelligence is analyzed and operational leads are provided to the BEST task forces and ICE attaché offices. The BVIC also analyzes data from arrests and seizures by the BEST task forces and exchange intelligence with Mexican law enforcement agencies."
- **DHS Integrated Border Intelligence Program (IBIP).** Part of the Homeland Security Department's Office of Intelligence and Analysis (I&A), the IBIP is meant to serve as a link between DHS, state and local law enforcement, and the U.S. government's broader intelligence community. The IBIP includes **Homeland Intelligence Support Teams (HIST)**, one of which is located at the EPIC. According to CRS, "Its focus areas are alien smuggling, border violence, weapons trafficking, illicit finance, drug trafficking, and the nexus between crime and terrorism."
- **CBP Border Field Intelligence Center (BORFIC).** Founded in 2004 as the Border Patrol's main intelligence facility, the BORFIC is headquartered in El Paso, and will soon be relocated to the EPIC. It shares intelligence with other groupings of agencies, including, according to CRS, the "El Paso Interagency Intelligence Working Group, consisting of EPIC,

DOD's Joint Task Force-North, and the FBI; and the Bilateral Interdiction Working Group with Mexico," as well as state and local law enforcement.

*The military and border security*

The drug war, combined with the rush to tighten border security, has gone beyond civilian agencies. The U.S. military plays an important role as well, particularly in El Paso.

Fort Bliss hosts **Joint Task Force North (JTF-N)**, a small but active military component that, since 1989, has supported U.S. law-enforcement agencies on missions that have a "counter-drug nexus." A subcomponent of the U.S. Northern Command, JTF-N is unusual in that it involves active-duty U.S. military personnel supporting law enforcement operations against those suspected of trafficking drugs, including U.S. citizens, on U.S. soil.

- JTF-N carries out three types of activities, only a small portion of them in and around El Paso. First, each year the unit responds to about 80 requests for help from civilian law enforcement agencies, mainly federal agencies like DHS and the Department of Justice. Services commonly provided are "forward deployed intelligence analysts" helping the civilian agencies to process the information they gather, and planning assistance teams to help the agencies develop more detailed and realistic operational plans. Second, soldiers, sailors, marines and airmen assigned temporarily to JTF-N carry out about US$3 million per year in "engineer projects": construction services near the U.S.-Mexico border. A frequent project has been building roads paralleling the border, especially in Arizona and New Mexico, which Border Patrol vehicles then use regularly. Third, JTF-N sends "Mobile Training Teams" (MTTs): groups of instructors who offer courses to federal, state and local law enforcement agencies all over the country. As a matter of policy, MTTs do not teach lethal or "advanced" tactical skills.


  Because its mission rubs up against the "Posse Comitatus" prohibitions on military use for law enforcement, JTF-N operates under rules that make it very unlikely that soldiers might come into contact with U.S. citizens. This is largely the result of changes made after Marines assigned to JTF-N (then called Joint Task Force 6) shot and killed a U.S. citizen who was firing a shotgun on his property in Redford, Texas, about 250 miles southeast of El Paso, in 1997. Today, civilian law enforcement agencies are placed on the front line, while the

soldiers themselves carry unloaded weapons and depend on civilian law enforcement — the Border Patrol — for protection, according to a September 2011 report by the U.S. Government Accountability Office (GAO).

Because their mission must have a "counter-drug nexus," JTF-N personnel are not looking for migrants, though if they detect any, they report the information to CBP. The unit's personnel cannot gather intelligence on U.S. citizens, though they may keep what they gather if they believe there is a link to international drug trafficking. JTF-N interacts regularly with the Mexican security forces through a series of "Border Contact Meetings": meet-and-greet affairs with the Mexican Army (SEDENA), Navy (SEMAR) and Public Security Department (SSP) at least once per month. JTF-N does not train Mexican forces. Those responsibilities fall to numerous other military units — from the Western Hemisphere Institute for Security Cooperation and the Inter-American Air Forces Academy down to Northern Command and Special Forces teams — as well as civilian police trainers supported by the State Department's International Narcotics Control and Law Enforcement bureau.

- Also at Fort Bliss is the Army's **204th Military Intelligence Battalion**, a component of the U.S. Army Intelligence and Security Command (INSCOM) that carries out aerial reconnaissance along the border and throughout the Americas. The unit began its existence in the 1980s, when it was based at the Soto Cano airfield in Honduras and had a company at Howard Air Force base in Panama. The 204th's website states — with the "xxx" appearing in the text — that it "has flown over xxx hours in support of USNORTHCOM (Joint Task Force-North) providing homeland security missions for the El Paso and New Mexico's southwest border patrol sectors."

  For now at least, the 204th's border-zone flights are all manned. The September 2011 GAO report maintains that, due to air-traffic control concerns and greater needs in Iraq and Afghanistan, the U.S. Defense Department does not fly UAVs in the U.S.-Mexico border zone.

- In mid-December 2011 it was revealed (though as of December 19 not officially announced) that El Paso, and the rest of the U.S.-Mexico border, will continue to have a **U.S. National Guard** presence though at least the end of 2012. 1,200 guardsmen, including about 250 in Texas and 82 in New Mexico, participated in "Operation Phalanx," a deployment that began in July 2010, was slated to end in June 2011, but has since been extended three times.

  A response to state and congressional calls to prevent migration and alleged spillover violence, Operation Phalanx was intended as a stopgap measure to increase the security presence along the U.S.-Mexico border while the Border Patrol and OFO awaited the arrival of newly recruited and trained agents. This has been a so-called "Title 32" (of the U.S. Code) deployment, meaning that the guardsmen have been at the command of state governors, not the President, and are not governed by the Posse Comitatus Act. However, an order from the U.S. Department of Defense has prevented the guardsmen from having the power to arrest citizens.

*Arizona guardsman conducting entry identification in Nogales, Arizona (photo from a September 2011 U.S. Government Accountability Office report).*

The Guard presence was not strongly felt in El Paso, where it never exceeded more than several dozen guardsmen deployed either to supporting roles or to very remote areas. In areas of frequent illicit border crossings, the Guard posted "Early Identification Teams," extra eyes and ears whose presence was intended mainly to deter would-be crossers. Guardsmen did not apprehend individuals themselves: they relayed information to Border Patrol. Other National Guard-provided services included intelligence analysts, logistics personnel, planners and mechanics.

Border Patrol agents told WOLA that the Guard presence was an "awesome" help, not least the mechanics who were keeping their vehicles' at maximum readiness. Nonetheless, we interviewed nobody, governmental or nongovernmental, who felt that the guardsmen would leave a vacuum in El Paso should the deployment end. With so many other security and intelligence agencies already operating in the sector, the Operation Phalanx personnel seemed, to many whom WOLA interviewed, to be awkwardly grafted on in response to a political mandate from Washington.

According to press reports, the Obama administration plans to scale the operation back by about half after February 2012, discontinuing the most visible on-the-ground National Guard presence, like the Early Identification Teams. Instead, guardsmen assigned to the border in 2012 will carry out intelligence tasks, especially those related to aerial surveillance.

> Some El Paso observers have objected outright to the guardsmen's presence. Although they operate under "Title 32" authority, the guardsmen's uniforms and weaponry are indistinguishable from those of regular U.S. military personnel. Most citizens would not make the distinction.
>
> "This is a low-intensity war strategy," one of the city's most prominent migrants' rights activists told WOLA. "Politicians are calling for a strategy here that would never be accepted in New York or Chicago. Imagine if they put even 200 National Guard in Chicago to go looking for immigrants."

*State and local law enforcement*

The security-force presence in El Paso does not end with the federal government. State and local forces, often beefed up with federal funding, are an integral part of the border security effort, and to a lesser extent the migrant interdiction effort.

Texas Governor Rick Perry, who has been in office since before the September 11, 2001 attacks, oversaw a major, federally supported buildup in the Texas state government's border-security apparatus. El Paso hosts one of six "state unified tactical commands" known as **Joint Operations and Intelligence Centers (JOICs)**. According to the aforementioned state government-commissioned report by the two retired generals, the JOICs share intelligence and facilitate planning between state and federal agencies. Federal agencies represented include CBP, FBI, ICE, ATF, DEA, and USCG. Texas state agencies include the Texas Rangers, Department of Public Security, Parks and Wildlife Department, tribal authorities, county and municipal police, and — in the case of El Paso — law enforcement from several New Mexico counties. These "unified commands" are in turn coordinated by a **Border Security Operations Center (BSOC)** in Austin, which includes liaison personnel from the Border Patrol.

The Texas state apparatus intentionally follows a quasi-military model. The two generals write,

> "In a manner very similar to a military division level headquarters, BSOC staff assimilates and analyzes information from each local unified command and sector with the intention of developing a dynamic Common Operational Picture for prioritization of statewide, regional and local law enforcement operations. The Ranger leadership commands all of the tactical 'close combat' field operators such as the Texas Highway Patrol (THP), as well as various combined Strike, Ranger Reconnaissance, Criminal Intelligence, Counter Terrorism, and DPS Aviation teams."

El Paso county and city law enforcement agencies participate in the border-security effort as well, to a point. The **sheriff's office** even has a permanent liaison assigned to the EPIC.

There have been disagreements between the sheriff's office and federal agencies, though, about a program called "Secure Communities," under which local police electronically share fingerprint data of all whom they arrest with FBI, which in turn shares it with ICE to determine whether the arrested individual should be deported. This indirectly makes local police into immigration enforcers.

In El Paso, where the police department has endeavored to improve relations with the majority Mexican-American community, Secure Communities has been a source of federal-local tension.

While the El Paso County Sheriff's Department participates in Secure Communities, Sheriff Richard Wiles has refused ICE entreaties to share fingerprints about those detained for Class C and other low-level misdemeanors (traffic violations and other crimes subject to fines of US$500 or less).

In early 2011 House testimony, Sheriff Wiles contended that involving local and county police in federal immigration enforcement "is bad policy." It stretches already thin local resources: "My officers, for example, should not be pulled out of neighborhoods to handle a federal responsibility." And "most importantly," Wiles adds, it undermines the trust and cooperation upon which local police depend to fight crime. "People may be afraid to report crime as a victim or a witness if they fear police will ask them to prove their citizenship." Experts interviewed in El Paso agreed that an erosion of trust between police and the city's large immigrant community could bring a reversal of the city's remarkably low violent crime levels.

Nonetheless, "while issues do arise from time-to-time," Sheriff Wiles told the committee, "I would say the working relationship between federal, state, county and local law enforcement agencies in El Paso is outstanding and unmatched in other jurisdictions."

> "We work with the U.S. Border Patrol on Stonegarden [Federal Emergency Management Agency (FEMA)-funded border law enforcement] operations. We assist ICE by fingerprinting and identifying bodies from the Juarez violence in order to gain intelligence. I signed onto the Secure Communities Program when I took office in 2009. And, because of the isolated areas of El Paso County in which back-up is few and far between for federal and county officials working in these areas, we assist each other on calls to provide for officer safety."

El Paso city police collaborate on border security as well. A $5.4 million federal grant made possible the 2010 establishment of a municipal **Fusion Center**, at which 12 analysts monitor activity and share intelligence between the El Paso Police Department, the county sheriff's office, CBP, DEA, FBI and the Fort Bliss military police. Federal funding for the Fusion Center ends in 2013, however, and its future is uncertain.

**Consequences for the Migrant Population**

Security forces on the U.S. side of the border have undergone ten years of rapid increase. The number of "boots on the ground," their capabilities, and the sheer number of agencies involved have multiplied. Despite a drop in apprehensions, however, the sector's 268-mile border is not sealed, especially in the empty, treacherous deserts to the east and west of El Paso's city limits. Officials say that a quarter of the sector's border remains outside of "operational control," the term the Border Patrol defines as "the ability to detect, respond, and interdict border penetrations in areas deemed as high priority for threat potential or other national security objective."

Increased security in the sector's more populated areas has caused a sort of "balloon effect" for migrants, many of whom now attempt to make the crossing in the deserts to the east and west of El Paso. This is very dangerous, as it means long walks through areas of 100-plus-degree heat, without water sources, and where navigation can be difficult. Crossing the Rio Grande and a parallel canal, which has fast currents and undertows, is also risky, and migrants often drown within the city limits.

Though no official data are available, Border Patrol agents told WOLA that at least twenty migrants die each year trying to migrate through the El Paso sector. While a fraction of the more

than 200 annual deaths estimated in Arizona, this number — nearly one death every two weeks — is still very high.


*"Let's judge the Gringo killers here in Mexico," reads graffiti at the site of a 2010 Border Patrol shooting of a teenager who was throwing rocks from the Mexican side of the border.*

If they are apprehended, migrants and suspected noncitizens face occasional abuse at the hands of Border Patrol and other law-enforcement agents. When it occurs, this usually means wrongful detention, excessive use of force upon arrest, or denial of food, water, sleep, medical care or bathroom facilities while in detention, according to WOLA interviews of migrants-rights advocates in El Paso. These nongovernmental organizations have not performed as comprehensive an analysis as groups in Arizona, whose interviews of over 12,000 previously detained migrants led them to allege that "a culture of cruelty" exists within the Border Patrol. Still, El Paso-based groups say, their own interactions with migrants have led them to believe that such practices do happen. A growing share of alleged abuses, mainly racial profiling, are committed by local, not federal, agencies, according to a 2009 report by the El Paso-based Border Network for Human Rights.

El Paso rights defenders have complained of Border Patrol "shotgunning": an illegal practice of randomly stopping vehicles, without reasonable suspicion, to verify occupants' immigration status. While this form of profiling is not frequent, the Border Network told WOLA that it took a complaint to Border Patrol to stop a recent spate of "shotgunnings" along New Mexico's Route 28.

There have been no reports of deaths in Border Patrol custody in the El Paso sector. The Border Patrol has, however, used deadly force against cross-border assailants who throw rocks at them. In one notorious June 2010 incident, a Border Patrol officer shot into Mexico and killed a rock-throwing 15-year-old boy.

Meanwhile, many with whom WOLA spoke in El Paso voiced concerns about whether the Border Patrol and OFO have appropriate protections in place to avoid infiltration by wealthy Mexican drug-trafficking organizations. Criminals are actively trying to corrupt individual agents, or even to get allies with clean backgrounds to join the U.S. law-enforcement forces. In March 2010, the *New York Times* reported that only about 15 percent of Customs and Border Protection recruits were being given polygraph tests the year before to weed out questionable applicants. The agency cited a lack of funds. Of the few who were administered the test, 60 percent failed. In a September 2010 article profiling a corrupt OFO border guard in El Paso, the *Washington Post* reported that CBP and ICE internal corruption investigations had roughly tripled since 2006.

Activists and experts in El Paso coincided in their assessment that the Border Patrol's alleged excesses owe to problems that are fixable, but institutional. The agency's very rapid growth, combined with a management culture that is, in one analyst's words, "not modern," has brought command and control inconsistencies. Abusiveness and effectiveness "vary by shift" at the El Paso sector, the same local analyst told us.

The Border Patrol sits on a blurry line between military and police: charged with defending a border against external threats (a military mission) but also charged with protecting and serving civilians in regions near the border (a police mission). Border Patrol officials occasionally refer to the agency as a "paramilitary" organization, and local activists criticize Border Patrol for evolving in a more military direction. They refer not just to the weapons that agents carry or the training they receive, but to the allegedly heavy-handed nature of their tactics.

A particular concern is their "thinking," the way that Border Patrol perceives potential threats. Echoing something we heard numerous times, one migrants' rights leader in El Paso told WOLA that Border Patrol and other federal law enforcement agencies do harm by putting migrants together with drug dealers and terrorists "in the same box" conceptually, which means "holding them to the same standard" when identified and apprehended.

This blurring of missions and threats extends to funding. Several interviewees cited the case of Chaparral, New Mexico, a gritty El Paso suburb. Here, Otero County police received a federal grant, under FEMA's Operation Stonegarden program, to help combat smuggling. The grant, however, ended up paying for deputies to carry out predawn raids to round up illegal migrants. Legal action by local activists successfully put an end to this practice.

In El Paso, a majority Mexican-American city where anti-immigrant sentiment is not high, reports of migrant abuse cause outrage. The city's active migrants-rights community has sought dialogue with Border Patrol, and the agency has responded with improved outreach, including the assignment of personnel with public affairs responsibilities. Dialogue is now regular, including the first, in 2011, of what might become annual conferences in El Paso at which CBP discusses a range of issues with advocacy groups and experts. These groups now simply call

personnel at the El Paso sector headquarters when they have immediate, specific concerns. "Migration policies are worse," said the head of an activist group that has participated in these dialogues, "but on-the-ground interactions are getting better."

**Still missing: a long-term approach**

As of late 2011, the violence in Juárez has slowed a bit, down perhaps by a third since 2010, but remains at alarming levels. In early December, meanwhile, CQ Press once again named El Paso the safest large city in the United States. At the same time, apprehensions of migrants in the El Paso sector fell in 2011 to their lowest level since 1966.

Notwithstanding the claims of politicians in Washington and Austin, the El Paso sector is neither a "war zone" nor is it overrun with undocumented migrants. The remarkable security buildup of the past decade is an important reason why. In the long term, however, the massive law enforcement, intelligence, and military presence along the border is neither sustainable nor a substitute for a national immigration and border security policy. While the federal government produces a regular Southwest Border Counternarcotics Strategy and a National Strategy to Combat Transnational Organized Crime, there is no national Southwest Border security strategy.

At some point, then, budgets may run out, or personnel may be transferred elsewhere. Without a clear policy that deals separately with the "threats" of terrorism and organized crime and the "reality" of migration, the long term is uncertain in El Paso. "My concern is for the long-term future of our border communities," testified Sheriff Wiles.

> "I have yet to hear the vision of Congress in regard to immigration and immigration enforcement. We can only build so many fences and pour so much money into hiring federal agents to place along the border. Even the federal grants that we receive are typically short-term and only provide for limited equipment and overtime. Communities like El Paso need to understand the long-term goals and objectives of our federal government so that we can prepare and assist…. [C]omprehensive immigration reform with a shared vision of local communities along the border is indispensable to ensure the prosperity of our country."